

1 Phillip M. Sims (SBN:51590)
P. Sophie Mai (SBN:254361)
2 SIMS & LAYTON
84 W. Santa Clara St., #660
3 San Jose, CA 95113
(408) 998-3400

4 Attorneys for Defendants
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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 MARIO BARRERAS VALENZUELA
13

14 Plaintiff,

15 v.

16 MC 2 POOL & SPA, MICHAEL & BRIAN
MCFALL PTRS, GUILLERMO B MCFALL,
17 BRIAN MCFALL and DOES 1-10.

18 Defendants.
19

CASE NO. 09-01698 RS

STIPULATION AND ~~PROPOSED~~ ORDER
TO EXTEND TIME TO COMPLETE
MEDIATION

20 Plaintiff Mario Barreras Valenzuela and Defendants MC 2 POOL, et al, hereby file this Stipulation
21 and proposed order extending time to complete mediation.

- 22 1. On August 12, 2009, per stipulation and court order, a court appointed mediation was
23 to be completed by November 12, 2009.
- 24 2. On September 15, 2009, Mr. Victor Schacter was named as the court-appointed
25 mediator to this matter.
- 26 3. On October 1, 2010, by mutual agreement of all parties via conference call, the
27 mediation was scheduled for Tuesday January 12, 2010.
- 28 4. In December 2009, a discovery dispute arose between the two parties. As a result, the

previously scheduled January 12, 2009 mediation was taken off calendar. On February 22, 2010, Mr. Schacter's appointment as mediator was vacated due to a scheduling conflict.

5. On December 28, 2009, a case management scheduling order set the new mediation deadline for May 15, 2010.

6. On March 8, 2010 a second mediator, retired Judge Suzanne Nussbaum was appointed and a mediation was again set for May 5, 2010. However, after some discussion amongst counsel regarding Judge Nussbaum's inexperience handling collective cases, both parties objected to Judge Nussbaum's appointment as mediator.

7. On April 13, 2010, a third mediator, Thomas Denver was appointed as mediator. A tentative mediation has been set for June 22, 2010.

8. Due to the recent, multiple appointments of mediators, both parties request that a new mediation deadline be set for July 15, 2010.

9. There are no additional anticipated changes to the case management order at this time.

Respectfully Submitted,

SIMS & LAYTON

Date :5/4/2010

/s/ Sophie Mai Gines

PHILLIP M. SIMS

SOPHIE MAI GINES

Attorneys for *Defendants* MC 2 POOL & SPA
et al.

Date 5/4/2010

/S/ Adam Wang

ADAM WANG, ESQ.

Attorney for Plaintiffs

~~[Proposed]~~ Order

The court hereby grants extension of the previously set mediation deadline of May 15, 2010 to July 15, 2010. There are no further anticipated changes to the court dates previously ordered to in the December 28, 2009 case management order.

Date 5/5/10



US District Judge Richard Seeborg